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ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/22/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HERBERT WASHINGTON,

Petitioner,

-v-

LAWRENCE SPEARS, SUPERINTENDENT, and
DIVISION OF PAROLE, NEW YORK STATE,
Respondents.

07 Civ. 7773 (DLC)

ORDER

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DENISE COTE, District Judge:

Petitioner Herbert Washington filed a habeas petition with the Pro Se Office of this Court on July 5, 2007. By Order dated August 31, The Honorable Kimba M. Wood granted Washington leave to amend his petition to demonstrate that he had exhausted his federal habeas grounds to the New York State Court of Appeals and that the instant filing was timely. Washington filed an amended petition with the Pro Se Office on September 26, stating that he had been denied leave to appeal his federal habeas grounds by the New York Court of Appeals on June 27, 2007. On December 14, 2007, this petition was assigned to this Court.

The Court having concluded that the petition should not be summarily dismissed pursuant to Rule 4 of the Rules governing Section 2254 cases in the United States District Courts, it is hereby

ORDERED that the respondents file an answer to the petition or other pleading in response thereto, along with the record on appeal, appellate briefs, and relevant trial and post-conviction records and transcripts, no later than March 21, 2008.

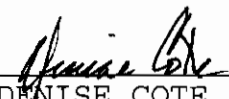
IT IS FURTHER ORDERED that the Clerk of Court serve copies of this Order and of the petition by certified mail upon the respondents and the Attorney General of the State of New York.

IT IS FURTHER ORDERED that petitioner shall have thirty days from the date on which he is served with respondents' answer to file a response. The petition will be considered fully submitted as of that date.

IT IS FURTHER ORDERED that this action is referred to Magistrate Judge Ellis. All correspondence and requests should be sent to the attention of Judge Ellis.

SO ORDERED:

Dated: New York, New York
January 22, 2008



DENISE COTE
United States District Judge

Copy sent to:

Herbert Washington
DIN 88-A-2845
Franklin Correctional Facility
62 Bare Hill Road, P.O. Box 10
Malone, NY 12953